

PTO/SB/023(04)

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**TERMINAL DISCLAIMER TO OBVIAE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

111732.00012

In re Application of: M. Michael Pitts, Jr. and Rodrigo F.V. Romo

Application No.: 10/796,814

Filed: March 9, 2004

For: Capacitive Electrostatic Process for Inhibiting the Formation of Biofilm Deposits in Membrane-Separation Systems

The owner(s) M. Michael Pitts, Jr. and Rodrigo F.V. Romo, of 100 percent interest in the instant application hereby ~~claims~~, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,691,317 as the term of said prior patent is defined in 35 USC 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

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is released; or

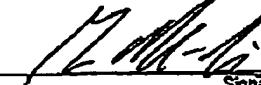
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. The undersigned is an attorney or agent of record. Reg. No. 45,801



March 9, 2005

Date

Gavin J. Maczarek-Dessai

Typed or printed name

520-770-8716

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included. Please charge the terminal disclaimer fee of \$65.00 (small entity) to Deposit Account No. 17-0055.

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